S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5425/2007
(Ramesh Chand Goyal Vs. State of Rajasthan)

DATE OF ORDER : 10/12/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. B.S.Rathore for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that the very subject matter was investigated as occurrence of 2005 by the District Supply Officer, Srigangangar and he did not find any irregularity in his inquiry report. The inquiry report has been placed on record and the same is forming part of the case diary also.

Learned public prosecutor vehemently opposed the bail application and submits that the report filed by the District Supply Officer was not accepted by the police.

Looking to the facts and circumstances of the case and the fact that the matter has already been investigated by the District Supply Officer, having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of

arrest of petitioner Ramesh Chand Goyal S/o Late Shivnath Goyal in FIR No. 362/2007 P.S. Kotwali, Sri Ganganagar, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

rp